



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

ORLENE HAWKS
DIRECTOR

[REDACTED]
[REDACTED]
[REDACTED]

Date Mailed: June 29, 2020
MOAHR Docket No.: 20-001638
Agency No.: [REDACTED]
Petitioner: [REDACTED]

ADMINISTRATIVE LAW JUDGE: John Markey

HEARING DECISION

Following Petitioner's request for a hearing, this matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and 400.37; 7 CFR 273.15 to 273.18; 42 CFR 431.200 to 431.250; 42 CFR 438.400 to 438.424; 45 CFR 99.1 to 99.33; and 45 CFR 205.10; and Mich Admin Code, R 792.11002. After due notice, a telephone hearing was held on June 24, 2020 from Detroit, Michigan. Petitioner appeared and represented herself. The Department of Health and Human Services (Department) was represented by Valarie Foley, Hearings Facilitator. During the hearing, a six-page packet of documents was offered and admitted into evidence as Exhibit A.

ISSUE

Did the Department properly deny Petitioner's applications for State Emergency Relief (SER) benefits to assist with repairing Petitioner's furnace?

FINDINGS OF FACT

The Administrative Law Judge, based on the competent, material, and substantial evidence on the whole record, finds as material fact:

1. On January 19, 2020, Petitioner's furnace stopped working.
2. On January 23, 2020, Petitioner's furnace was repaired.
3. On multiple occasions during [REDACTED] 2020, Petitioner submitted applications to the Department for SER benefits to assist with the furnace repair.

4. On February 12, 2020, the Department issued to Petitioner an Application Notice informing Petitioner that her application for SER benefits was denied because the emergency was already resolved by virtue of Petitioner having the furnace fixed on January 23, 2020.
5. On [REDACTED], 2020, Petitioner submitted to the Department a request for hearing objecting to the Department's denial of her SER applications.

CONCLUSIONS OF LAW

Department policies are contained in the Department of Health and Human Services Bridges Administrative Manual (BAM), Department of Health and Human Services Bridges Eligibility Manual (BEM), Department of Health and Human Services Reference Tables Manual (RFT), and Department of Health and Human Services Emergency Relief Manual (ERM).

The State Emergency Relief (SER) program is established by the Social Welfare Act, MCL 400.1-.119b. The SER program is administered by the Department (formerly known as the Department of Human Services) pursuant to MCL 400.10 and Mich Admin Code, R 400.7001-.7049.

In this case, Petitioner objected to the Department's denial of her [REDACTED] 2020 applications for SER benefits to reimburse her for the cost of fixing her furnace in January 2020. The Department denied the [REDACTED] 2020 applications because it found that the emergency for which the SER benefits were requested had already been resolved when the furnace was fixed in January 2020.

SER assists clients with emergency situations related to housing and other essential needs. ERM 101 (March 2013), p. 1. In order to be approved, an applicant must verify that he or she is eligible, which includes the verification that an emergency exists and that the applicant meets the financial requirements. ERM 103 (March 2019), p. 1, 3; ERM 101, p. 1. The Department is prohibited from issuing SER funds to reimburse expenses incurred or paid without prior Department approval. ERM 103, p. 3.


At the time of Petitioner's application, the furnace had already been repaired, and according to Petitioner's testimony, the repairs had been paid for. Thus, at the time of the application, the emergency had already been resolved. Under these circumstances, the Department was prohibited from issuing SER funds for at least two reasons: (1) any disbursed funds would not go towards solving the emergency because the emergency was resolved prior to the application and (2) any disbursed funds would be to reimburse for expenses incurred or paid without prior Department approval. As the Department was prohibited from approving Petitioner's SER application, the denials did not violate law or Department policy.

The Administrative Law Judge, based on the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, if any, finds that the Department acted in accordance with Department policy when it denied Petitioner's [REDACTED] 2020 applications for SER benefits to assist with Petitioner's furnace repairs.

DECISION AND ORDER

Accordingly, the Department's decision is **AFFIRMED**.

JM/tm



John Markey
Administrative Law Judge
for Robert Gordon, Director
Department of Health and Human Services

NOTICE OF APPEAL: A party may appeal this Order in circuit court within 30 days of the receipt date. A copy of the circuit court appeal must be filed with the Michigan Office of Administrative Hearings and Rules (MOAHR).

A party may request a rehearing or reconsideration of this Order if the request is received by MOAHR within 30 days of the date the Order was issued. The party requesting a rehearing or reconsideration must provide the specific reasons for the request. MOAHR will not review any response to a request for rehearing/reconsideration.

A written request may be mailed or faxed to MOAHR. If submitted by fax, the written request must be faxed to (517) 763-0155; Attention: MOAHR Rehearing/Reconsideration Request.

If submitted by mail, the written request must be addressed as follows:

Michigan Office of Administrative Hearings and Rules
Reconsideration/Rehearing Request
P.O. Box 30639
Lansing, Michigan 48909-8139

DHHS

Susan Noel
26355 Michigan Ave
Inkster, MI 48141

Petitioner

[REDACTED]
[REDACTED]
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cc: SER-T. Bair; Erich Holzhausen
AP Specialist-Wayne County